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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1698 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? - Yes.

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2. To be referred to the Reporter or not? - No.

[illegible]

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3. Whether Their Lordships wish to see the fair copy of the judgement? - No.

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4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No.

5. Whether it is to be circulated to the Civil Judge?—No.

BHIKHAJIRAO RAMRAO

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

Mr.L.R. Pujari, Addl. P.P., with

Mr.M.R. Anand, PUBLIC PROSECUTOR, for Respondent No. 1

CORAM : THE CHIEF JUSTICE G.D.KAMAT

Date of decision: 19/12/96

ORAL JUDGEMENT

Rule. To be heard forthwith.

Applicant has forwarded this application through Jail Authorities, praying for his release on furlough. He is convicted under Section 302 and is undergoing presently sentence of life imprisonment. He has completed substantive sentence of over four years. He was granted furlough once. I am told that entitlement to furlough is matured some time in August, 1996, but the same was rejected on the ground that his appeal against conviction and sentence is pending in this High Court. In my view, furlough cannot be denied merely because his appeal is pending in this Court. According to the judgment of a Division Bench of this Court, parole cannot be granted by Jail authorities when appeal is pending in this Court. This being a case of furlough, the Inspector General of Prisons is directed to consider his request within seven days from today so that he does not become disentitled to the furlough of 1996 as there is no carry forward rule in so far as furlough matters are concerned. Rule accordingly is made absolute, as indicated.

(apj)